



City Council Staff Report

Meeting Date: September 9, 2024

TO: Marco Island City Council

FROM: Mary P. Holden, Planning Manager

DATE: August 29, 2024

RE: Rezoning, 531 S. Collier Blvd., 24-000105, Existing C-1 Commercial to C-3 Commercial, Planning Board Recommendation

PROJECT DESCRIPTION:

A request to rezone 531 S. Collier Blvd from C-1/C-1T Commercial to C-3 Commercial has been submitted by Ellen Summers, AICP of Hole Montes, a Bowman Company, on behalf of Salute Properties, LLC

PLANNING BOARD SUMMARY AND RECOMMENDATION:

The Planning Board considered this request and held a public hearing at their August 2, 2024, meeting. After presenting to the Board, there was discussion on very few parcels on the Island with this zoning; that development on this site would require approval by the Planning Board and, if applicable, City Council; if the rezoning could be approved with a condition restricting certain uses; history of the zoning of this and other parcels on Marco Island; and setbacks. During the public hearing, comments included maintain the balance of commercial and residential use; use of Wells Sawyer Way alley; no parking on the alley way; additional landscape buffer; no windows looking onto residential property; and mitigation of commercial use for residential properties. After discussion, the Planning Board voted 5-1 to forward a recommendation of approval with the findings outlined in the attached draft ordinance and below.

1. The proposed rezoning to C-3 Commercial will follow the Future Land Use Element and Map (as shown above) based on the following goals, objectives and policies.

GOAL 3 FUTURE LAND USE MAP

MAINTAIN AND IMPLEMENT A FUTURE LAND USE MAP THAT PLANS FOR A PREDICTABLE AND CONTEXT APPROPRIATE APPROACH TO THE PROPOSED DISTRIBUTION, LOCATION, AND EXTENT OF LAND USES, DENSITIES AND INTENSITIES IN THE CITY TO PROTECT NATURAL RESOURCES, ENCOURAGE, WHERE APPROPRIATE, HIGH LEVEL SERVICES AND INFRASTRUCTURE IN A COSTEFFECTIVE MANNER, AND MAINTAIN THE COMMUNITY CHARACTER AND SMALLTOWN CHARM.

Objective 3.2

To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve.

Policy 3.2.4

The Community Commercial future land use category is intended to provide a range of commercial uses at arterial and collector intersections and nodes within the City outside of the Town Center/Mixed Use future land use category. These areas will be comprised of

retail, office and mixed use land uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are limited to 26 du/acre.

GOAL 4 GROWTH MANAGEMENT & REDEVELOPMENT

OUTLINE AN ECONOMICALLY FEASIBLE PLAN WHICH COORDINATES THE LOCATION AND TIMING OF NEW DEVELOPMENT AND REDEVELOPMENT WITH THE PROVISION OF INFRASTRUCTURE AND SERVICES, WHILE PROTECTING THE CITY'S SMALL-TOWN CHARM, ESTABLISHED RESIDENTIAL NEIGHBORHOODS, NATURAL RESOURCES, AND PROPERTY VALUES.

Objective 4.1

Direct new growth and redevelopment to those areas of the City where adequate public facilities exist, or are planned, and where compact and contiguous development patterns can be created, and which are located away from established low density residential neighborhoods.

Policy 4.1.1

Development will be permitted only where they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

Policy 4.1.2

Rezoning, conditional use, site improvement plans, and other development proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

2. The Future Land Use Map designates this lot as Community Commercial, as well as the other C-3 Commercial zoned properties to the south.
3. By rezoning this property, an isolated district will be removed, and the proposed zoning will be related to the C-3 Commercial districts to the south. C-1/C-1T zoning is not found in this area and in a few other places on the whole island (along Winterberry Dr., one lot on S. Barfield, the two lots north of NCH and the City Hall Complex).
4. It is hard to say how the district boundary was drawn, other than it does not follow the with the existing C-3 zoning to the south and the fact that C-1/C-1T is not found in this area.
5. This property has been zoned C-1/C-1T for quite some time and has remained vacant. Staff believes the evolving community and existing development patterns along Collier Blvd. make this rezoning request appropriate.
6. The site has been vacant for quite some time and any development, whether under C-1/C-1T or proposed C-3 will influence the living conditions for the single-family neighborhood across the alley from this property. The Land Development Code has regulations in place to address the interface between commercial and low density residential.
7. The site access is off South Collier. However, the Wells Sawyer Way alley abuts the property on the north and east side, thereby providing an avenue for traffic from a potential business to increase using the alley.
8. It does not appear the proposed rezoning will seriously change the light or air for the properties to the east. Existing zoning allows for a 35-foot-high structure and the proposed C-3 allows for a 50-foot structure, an additional 15 feet. The proposed C-3 does not appear to have any change on light or air for the properties to the north or south.
9. While Staff are not property appraisers, the property values do not appear to be adversely affected with C-3 zone district in the surrounding areas.
10. The rezone will not be a deterrent to the development of adjacent properties.

11. The rezone will not grant a special privilege to this property as adjacent properties to the south are already C-3 Commercial.
12. The property has been vacant for some time. While the C-1/C-1T may not be the reason, the uses are not consistent with development patterns seen along Collier Blvd. in this area or other areas of Collier Blvd.
13. The rezone is not out of scale with the needs of the neighborhood or city.
14. The property just south of this is zoned C-3 and the intent is to combine them to provide a larger lot. There are not many vacant C-3 parcels along Collier Blvd.
15. The rezone will not require any higher degree of site alterations then other sites to construct uses allowed in C-3.
16. The rezone will have no negative impact on the level of service.

OWNERS AND APPLICANTS:

Owner:

Salute Properties LLC
599 S. Collier Blvd., #215/870 Blad Eagle Dr., Suite 3A
Marco Island, FL 34145

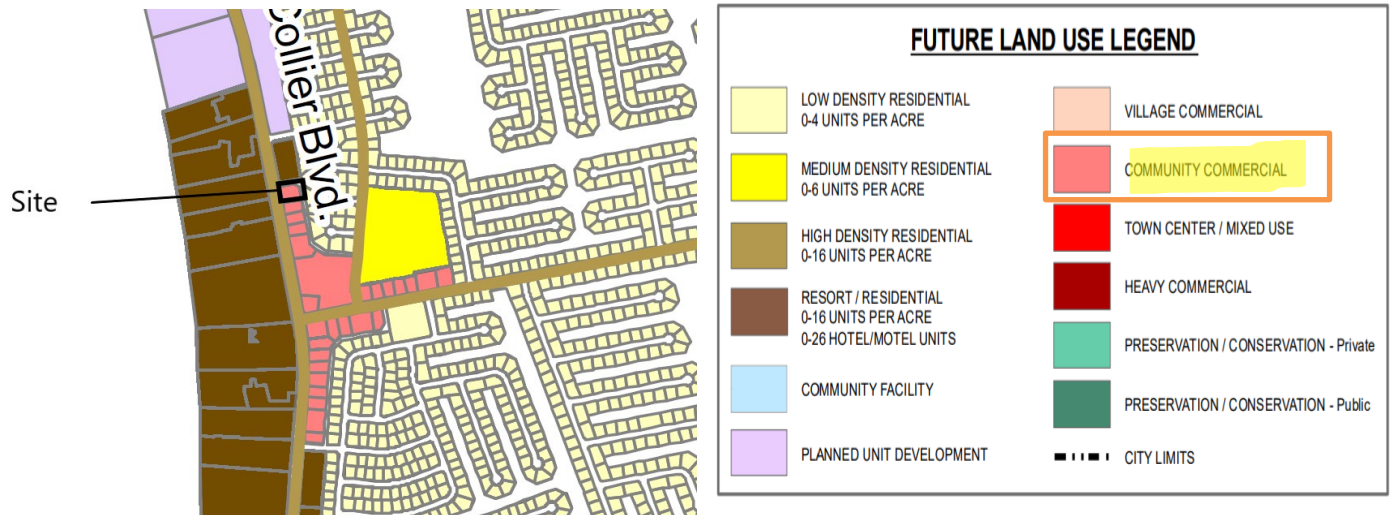
Agent:

Ellen Summers, AICP
Hole Montes, a Bowman Company
950 Encore Way
Naples, FL 34110

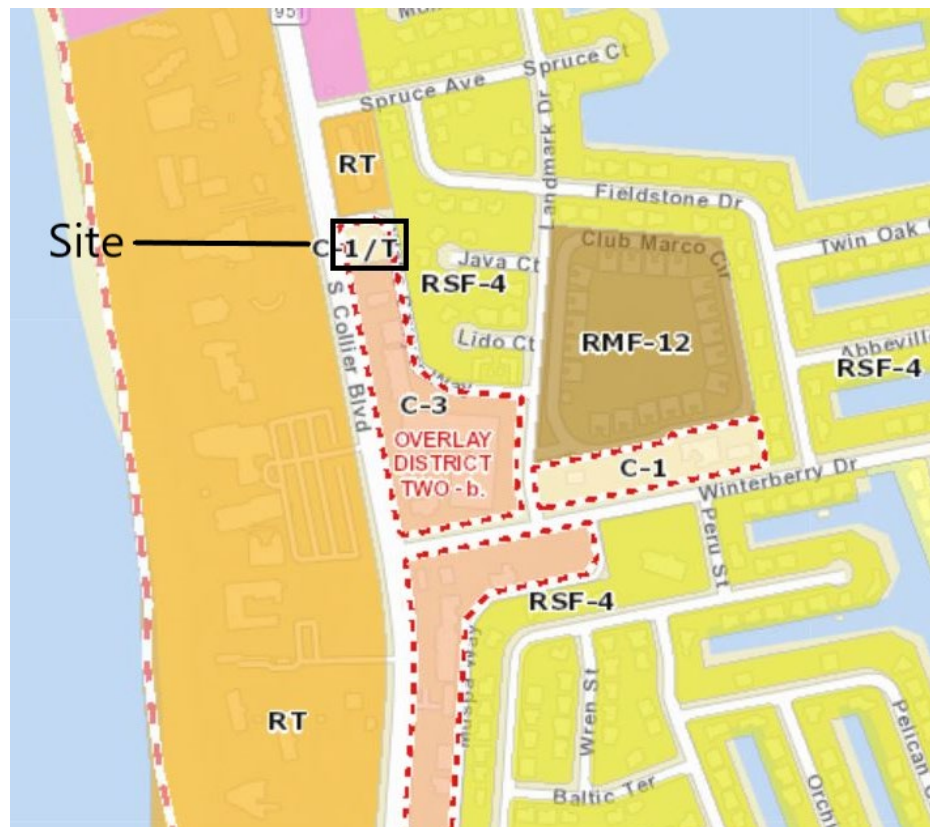
PROPERTY INFORMATION:

Street Address:	531 S. Collier Blvd.
Legal Description:	Marco Beach, Unit 7, Block 184, Lot 6
Parcel #:	57648760001
Zoning:	C-1/C-1T
Lot size:	.56

FUTURE LAND USE DESIGNATION



ZONING:



AERIAL OF SITE



STAFF ANALYSIS:

This site, in 2003, was the subject of a rezoning request to C-3 with a companion site development plan approval with two variances. At the time, the request was denied, mainly due to the site development plan with the two variances and not on the merits of the rezoning. The concern was the impact of the development on the adjacent single-family homes to the west of the site. While we have limited documents pertaining to the 2003 requests, the passage of time and our ever-evolving community, we only are reviewing this request on the merits of today's request.

This site is just north of existing C-3 zoning and uses. In reviewing the surrounding and City zoning and uses, we find one other site along a major roadway with C-1/C-1T zoning on S. Barfield Dr. This site was zoned from RSF-3 to C-1/C-1T in 2004 by the owner at the time. This site is also adjacent to C-3 on the north and south sides and RSF-3 to the east. The main difference is this site is not bordered by an alley way as is the case with 531 S. Collier Blvd.

The C-1/C-1T Commercial provides for professional office related uses, such as administrative and support services, marketing groups, educational services, data processing, insurance offices, real estate offices, and the like. Conditional uses are along the same line but allow for mixed uses. Building heights are 35 feet, but conditionally can be allowed up to 50 feet. We have attached a list of permitted and conditional uses for this zone district.

The C-3 Commercial allows the same uses as C-1/C-1T and additional uses such as retail, restaurants, performing arts, gas stations, movie theaters, and similar uses. Building heights are 50 feet in this district. We have attached a list of permitted and conditional uses.

An adjacent neighbor has reached out to us and while not against development, would like to see any development seriously consider the existing single-family residences and minimize impacts such as traffic along Wells Sawyer Way alley along with noise, etc.

Section 30-62. (3). b. *Rezoning; nature of requirements of planning board report.* When pertaining to the rezoning of land, the report and recommendations of the planning board to city council required below shall show that the planning board has studied and considered the proposed change in relation to the following, when applicable:

- 1. Whether the proposed change will be consistent with the goals, objectives, and policies, future land use map, and the elements of the comprehensive plan.**

The proposed rezoning to C-3 Commercial will follow the Future Land Use Element and Map (as shown above) based on the following goals, objectives and policies.

GOAL 3 FUTURE LAND USE MAP

MAINTAIN AND IMPLEMENT A FUTURE LAND USE MAP THAT PLANS FOR A PREDICTABLE AND CONTEXT APPROPRIATE APPROACH TO THE PROPOSED DISTRIBUTION, LOCATION, AND EXTENT OF LAND USES, DENSITIES AND INTENSITIES IN THE CITY TO PROTECT NATURAL RESOURCES, ENCOURAGE, WHERE APPROPRIATE, HIGH LEVEL SERVICES AND INFRASTRUCTURE IN A COSTEFFECTIVE MANNER, AND MAINTAIN THE COMMUNITY CHARACTER AND SMALLTOWN CHARM.

Objective 3.2

To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve.

Policy 3.2.4

The Community Commercial future land use category is intended to provide a range of commercial uses at arterial and collector intersections and nodes within the City outside of the Town Center/Mixed Use future land use category. These areas will be comprised of retail, office and mixed use land uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are limited to 26 du/acre.

GOAL 4 GROWTH MANAGEMENT & REDEVELOPMENT

OUTLINE AN ECONOMICALLY FEASIBLE PLAN WHICH COORDINATES THE LOCATION AND TIMING OF NEW DEVELOPMENT AND REDEVELOPMENT WITH THE PROVISION OF INFRASTRUCTURE AND SERVICES, WHILE PROTECTING THE CITY'S SMALL-TOWN CHARM, ESTABLISHED RESIDENTIAL NEIGHBORHOODS, NATURAL RESOURCES, AND PROPERTY VALUES.

Objective 4.1

Direct new growth and redevelopment to those areas of the City where adequate public facilities exist, or are planned, and where compact and contiguous development patterns can be created, and which are located away from established low density residential neighborhoods.

Policy 4.1.1

Development will be permitted only where they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

Policy 4.1.2

Rezoning, conditional use, site improvement plans, and other development proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

2. The existing land use pattern.

The Future Land Use Map designates this lot as Community Commercial, as well as the other C-3 Commercial zoned properties to the south.

3. The possible creation of an isolated district unrelated to adjacent and nearby districts.

By rezoning this property, an isolated district will be removed, and the proposed zoning will be related to the C-3 Commercial districts to the south. C-1/C-1T zoning is not found in this area and in a few other places on the whole island (along Winterberry Dr., one lot on S. Barfield, the two lots north of NCH and the City Hall Complex).

4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the real property proposed for change.

It is hard to say how the district boundary was drawn, other than it does not follow the with the existing C-3 zoning to the south and the fact that C-1/C-1T is not found in this area.

5. Whether changed or changing conditions make the passage of the proposed amendment appropriate.

This property has been zoned C-1/C-1T for quite some time and has remained vacant. Staff believes the evolving community and existing development patterns along Collier Blvd. make this rezoning request appropriate.

6. Whether the proposed change will adversely influence living conditions in the neighborhood.

The site has been vacant for quite some time and any development, whether under C-1/C-1T or proposed C-3 will influence the living conditions for the single-family neighborhood across the alley from this property. The Land Development Code has regulations in place to address the interface between commercial and low density residential.

7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak hour volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

The site access is off South Collier. However, the Wells Sawyer Way alley abuts the property on the north and east side, thereby providing an avenue for traffic from a potential business to increase using the alley.

8. Whether the proposed change will create a drainage problem.

Not applicable. Any development must address drainage on site.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

It does not appear the proposed rezoning will seriously change the light or air for the properties to the east. Existing zoning allows for a 35-foot-high structure and the proposed C-3 allows for a 50-foot structure, an additional 15 feet. The proposed C-3 does not appear to have any change on light or air for the properties to the north or south.

10. Whether the proposed change will adversely affect property values in the adjacent area.

While Staff are not property appraisers, the property values do not appear to adversely affected with C-3 zone district in the surrounding areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The rezone will not be a deterrent to the development of adjacent properties.

12. Whether the proposed change will constitute a grant of a special privilege to an individual real property owner as contrasted with the public welfare.

The rezone will not grant a special privilege to this property as adjacent properties to the south are already C-3 Commercial.

13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

The property has been vacant for some time. While the C-1/C-1T may not be the reason, the uses are not consistent with development patterns seen along Collier Blvd. in this area or other areas of Collier Blvd.

14. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

The rezone is not out of scale with the needs of the neighborhood or city.

15. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

The property just south of this is zoned C-3 and the intent is to combine them to provide a larger lot.
There are not many vacant C-3 parcels along Collier Blvd.

16. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.

The rezone will not require any higher degree of site alterations than other sites to construct uses allowed in C-3.

17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the city comprehensive plan and as defined and implemented through the city's adequate public facilities ordinance, as amended.

The rezone will have no negative impact on the level of service.

18. Such other factors, standards, or criteria that the city council shall deem important in the protection of the public health, safety, aesthetics, and welfare.

Adjacent neighbors would like any development to minimize traffic impacts on Wells Sayer Way alley, which is adjacent to their residences.